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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Report of the Third Committee*

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I. Introduction

1. At its 3rd plenary meeting, on 21 September 2007, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-second session, under the item entitled "Promotion and protection of human rights", the sub-item entitled "Human rights situations and reports of special rapporteurs and representatives" and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the sub-item jointly with sub-item 70 (b) at its 22nd to 33rd meetings, on 24 to 26 and 29 to 31 October 2007, and considered proposals and took action on sub-item 70 (c) at its 42nd, 49th, 50th and 51st meetings, on 9, 20 and 21 November. An account of the Committee's discussion is contained in the relevant summary records (see A/C.3/62/SR.22-33, 42 and 49-51).

3. For the documents before the Committee under this sub-item, see A/62/439.

4. At the 22nd meeting, on 24 October, the United Nations High Commissioner for Human Rights addressed the Committee and engaged in a dialogue with the representatives of Portugal (on behalf of the European Union), the Russian Federation, Gabon, the Sudan, Switzerland, France, China, India, Indonesia, Benin, Iraq, Nepal, Cuba, Egypt, Canada, Cameroon, Colombia, Algeria, the Libyan Arab Jamahiriya and Morocco. A statement was also made by the representative of Uganda (see A/C.3/62/SR.22).

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5. At the same meeting, a statement was made by the Under-Secretary-General for Political Affairs. The representative of Cuba made a comment and raised a question to which the Under-Secretary-General responded (see A/C.3/62/SR.22).

6. At the same meeting, the Director of the Division for Social Policy and Development of the Department of Economic and Social Affairs and the Director of the New York Office of the United Nations High Commissioner for Human Rights made introductory statements. The Director of the Division for Social Policy and Development responded to a question posed by the representative of Cuba (see A/C.3/62/SR.22).

7. At the 23rd meeting, on 24 October, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 made a statement and engaged in a dialogue with the representatives of Israel, South Africa, Portugal (on behalf of the States Members of the United Nations that are members of the European Union), Kuwait, Egypt, Yemen, the Sudan, Lebanon, the United States of America, the Syrian Arab Republic, Indonesia, the Libyan Arab Jamahiriya, Senegal, Nicaragua, Cuba and Palestine (see A/C.3/62/SR.23).

8. At the same meeting, the Special Rapporteur on the situation of human rights in Myanmar made a statement and engaged in a dialogue with the representatives of Myanmar, Portugal (on behalf of the States Members of the United Nations that are members of the European Union), France, Guinea-Bissau, Switzerland, New Zealand, Japan, Germany, Australia, Canada, the United States of America, China and Brazil (see A/C.3/62/SR.23).

9. At the 27th meeting, on 26 October, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea made a statement and engaged in a dialogue with the representatives of the Democratic People's Republic of Korea, Portugal (on behalf of the States Members of the United Nations that are members of the European Union), the United States of America, Japan, Canada and the Republic of Korea (see A/C.3/62/SR.27).

10. At the same meeting, the Independent Expert on the situation of human rights in Burundi made a statement and engaged in a dialogue with the representatives of Burundi, Portugal (on behalf of the States Members of the United Nations that are members of the European Union), Guinea-Bissau, the United Republic of Tanzania, the United States of America and Cameroon (see A/C.3/62/SR.27).

11. Also at the 27th meeting, the Independent Expert on the situation of human rights in the Democratic Republic of the Congo made a statement and engaged in a dialogue with the representatives of the Democratic Republic of the Congo, Rwanda, Guinea-Bissau, Canada, the United States of America, Portugal (on behalf of the States Members of the United Nations that are members of the European Union) and Burundi (see A/C.3/62/SR.27).

12. At the 29th meeting, on 29 October, the Special Rapporteur on the situation of human rights in the Sudan made a statement and engaged in a dialogue with the representatives of the Sudan, Portugal (on behalf of the States Members of the United Nations that are members of the European Union), the United States of America, China, the Libyan Arab Jamahiriya, Canada, the Syrian Arab Republic, Cuba and Egypt (see A/C.3/62/SR.29).

13. At the 49th meeting, on 20 November, statements were made by the representatives of Cuba (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries), Portugal (on behalf of the States Members of the United Nations that are members of the European Union), South Africa, Uganda, the Libyan Arab Jamahiriya, the Sudan, the United States of America and Australia (see A/C.3/62/SR.49).

II. Consideration of proposals

A. Draft resolutions A/C.3/62/L.37 and Rev.1

14. At the 42nd meeting, on 9 November, following technical corrections made orally by the Secretary, the representative of Portugal, on behalf of Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Moldova, Monaco, Montenegro, the Netherlands, Norway, Palau, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in the Democratic People's Republic of Korea" (A/C.3/62/L.37), which read:

"*The General Assembly*,

"*Reaffirming* that States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

"*Mindful* that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women,

"*Noting* the submission by the Democratic People's Republic of Korea of its second periodic report concerning the implementation of the International Covenant on Economic, Social and Cultural Rights, its second periodic report on the implementation of the Convention on the Rights of the Child and its initial report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, as a sign of engagement in international cooperative efforts in the field of human rights,

"*Taking note* of the concluding observations of the treaty monitoring bodies under the four treaties, the most recent of which were given by the Committee on the Elimination of Discrimination against Women in July 2005,

"*Noting with appreciation* the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund and the World Health Organization in order to

improve the health situation in the country, and the collaboration established with the United Nations Children's Fund in order to improve the quality of education for children,

"*Recalling* its resolutions 60/173 of 16 December 2005 and 61/174 of 19 December 2006, Commission on Human Rights resolutions 2003/10 of 16 April 2003, 2004/13 of 15 April 2004 and 2005/11 of 14 April 2005, and Human Rights Council decision 1/102 of 30 June 2006, and mindful of the need for the international community to strengthen its coordinated efforts aimed at achieving the implementation of those resolutions,

"*Taking note* of the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, and of the comprehensive report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea submitted in accordance with its resolution 61/174,

"1. *Expresses its very serious concern* at:

"(a) The continued refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to him;

"(b) The persistence of continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea, including:

"(i) Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention, public executions, extrajudicial and arbitrary detention; the absence of due process and the rule of law, including fair trial guarantees and an independent judiciary; the imposition of the death penalty for political and religious reasons; and the existence of a large number of prison camps and the extensive use of forced labour;

"(ii) The situation of refugees and asylum-seekers expelled or returned to the Democratic People's Republic of Korea and sanctions imposed on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, such as treating their departure as treason, leading to punishments of internment, torture, cruel, inhuman or degrading treatment or the death penalty, and, in this regard, urges all States to ensure respect for the fundamental principle of non-refoulement and to treat those who seek refuge humanely;

"(iii) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association, and on equal access to information, by such means as the persecution of individuals exercising their freedom of opinion and expression, and their families;

"(iv) Limitations imposed on every person who wishes to move freely within the country and travel abroad, including the punishment of those who leave, or try to leave, the country without permission, or of their families;

"(v) The violations of economic, social and cultural rights, which have led to severe malnutrition, widespread health problems and other hardship for the population in the Democratic People's Republic of Korea, inter alia, women, children and the elderly;

"(vi) Continuing violation of the human rights and fundamental freedoms of women, in particular the trafficking of women for the purpose of prostitution or forced marriage, subjection of women to human smuggling, forced abortions, gender-based discrimination and violence, and infanticide of children of repatriated mothers, including in police detention centres and camps;

"(vii) Continuing reports of violations of the human rights and fundamental freedoms of persons with disabilities, especially on the use of collective camps and of coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children;

"(viii) Violations of workers' rights, including the right to freedom of association and collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights, and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child;

"2. *Reiterates its very serious concern* at unresolved questions of international concern relating to the abduction of foreigners in the form of enforced disappearance, which violates the human rights of the nationals of other sovereign countries, and in this regard strongly urges the Government of the Democratic People's Republic of Korea urgently to resolve these questions in a transparent manner, including by ensuring the immediate return of abductees;

"3. *While noting* the prompt reaction of the Government of the Democratic People's Republic of Korea to the latest floods, and the openness shown in seeking outside assistance, expresses its very deep concern at the precarious humanitarian situation in the country, compounded by the misallocation of resources away from the satisfaction of basic needs and by frequent natural disasters, in particular the prevalence of maternal and infant malnutrition, which, despite recent progress, continues to affect the physical and mental development of a significant proportion of children, and urges the Government of the Democratic People's Republic of Korea, in this regard, to take preventive and remedial action, to facilitate access to humanitarian aid and measures to allow humanitarian agencies to secure its impartial delivery to all parts of the country on the basis of need in accordance with humanitarian principles, and to ensure food security, including through sustainable agriculture;

"4. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard:

"(a) To immediately put an end to the systematic, widespread and grave violations of human rights mentioned above, inter alia by implementing fully the measures set out in the above-mentioned resolutions of the General Assembly and the Commission on Human Rights, and the recommendations addressed to the Democratic People's Republic of Korea by the United Nations special procedures and treaty bodies;

"(b) To tackle the root causes leading to refugee outflows and criminalize those who exploit refugees by human smuggling, trafficking and extortion, while not criminalizing the victims;

"(c) To extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of Korea, and to other United Nations human rights mechanisms;

"(d) To engage in technical cooperation activities in the field of human rights with the United Nations High Commissioner for Human Rights and her Office, as pursued by the High Commissioner in recent years, with a view to improving the human rights situation in the country;

"(e) To extend to United Nations agencies and other humanitarian actors all access necessary to allow them to carry out their mandates;

"5. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its sixty-third session, and to this end requests the Secretary-General to submit a comprehensive report on the situation in the Democratic People's Republic of Korea and the Special Rapporteur to continue to report his findings and recommendations."

15. At its 49th meeting, the Committee had before it a revised draft resolution entitled "Situation of human rights in the Democratic People's Republic of Korea" (A/C.3/62/L.37/Rev.1), submitted by the sponsors of draft resolution A/C.3/62/L.37. Subsequently, El Salvador, Honduras and New Zealand joined in sponsoring the revised draft resolution.

16. At the same meeting, a statement was made by the representative of Portugal (see A/C.3/62/SR.49).

17. At the same meeting, the Committee was advised that the draft resolution had no programme budget implications.

18. Also at the same meeting, statements were made by the representatives of Japan and the Democratic People's Republic of Korea (see A/C.3/62/SR.49).

19. Also at its 49th meeting, the Committee adopted draft resolution A/C.3/62/L.37/Rev.1, by a recorded vote of 97 to 23, with 60 abstentions (see para. 49, draft resolution I). The voting was as follows:

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belgium, Belize, Bhutan, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cambodia, Canada, Chile, Comoros, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Latvia, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg,

Malawi, Maldives, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Samoa, San Marino, Saudi Arabia, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu.

Against:

Algeria, Belarus, China, Cuba, Democratic People's Republic of Korea, Egypt, Guinea, Indonesia, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Oman, Russian Federation, Somalia, Sudan, Syrian Arab Republic, Uganda, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Barbados, Benin, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Chad, Colombia, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Equatorial Guinea, Ethiopia, Guatemala, Guyana, Haiti, India, Jamaica, Kenya, Kuwait, Kyrgyzstan, Madagascar, Mali, Mauritius, Mozambique, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Qatar, Republic of Korea, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Suriname, Swaziland, Tajikistan, Thailand, Togo, Trinidad and Tobago, Turkmenistan, United Arab Emirates, Yemen.

20. Before the vote, statements were made by the representatives of Costa Rica, Ecuador, Nepal, Belarus, Egypt, the Bolivarian Republic of Venezuela and Malaysia; after the vote, statements were made by the representatives of Viet Nam, India, Colombia, China, Algeria, Indonesia, Cuba, Guatemala and Brazil (see A/C.3/62/SR.49).

B. Draft resolutions A/C.3/62/L.41 and Rev.1 and the statement of programme budget implications contained in document A/C.3/62/L.83

21. At the 42nd meeting, on 9 November, the representative of Portugal, on behalf of Albania, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in Myanmar" (A/C.3/62/L.41), which read:

"*The General Assembly*,

"*Guided* by the Charter of the United Nations and the Universal Declaration of Human Rights, and recalling the International Covenants on Human Rights and other relevant human rights instruments,

"*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

"*Reaffirming also* its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 61/232 of 22 December 2006, those of the Commission on Human Rights and resolution S-5/1 of 2 October 2007, adopted by the Human Rights Council at its fifth special session,

"*Welcoming* the presidential statement issued by the Security Council on 11 October 2007,

"*Recalling* that everyone has the right to take part in the government of their country, directly or through freely chosen representatives, the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association,

"*Deeply concerned* at the situation of human rights in Myanmar, and in particular at the recent violent repression of peaceful demonstrations, including through beatings, killings, arbitrary detentions and enforced disappearances,

"1. *Strongly condemns* the use of violence against peaceful demonstrators who were exercising their rights to freedom of opinion and expression and to peaceful assembly and association, and expresses condolences to the victims and their families;

"2. *Expresses grave concern* at:

"(a) The ongoing systematic violations of human rights and fundamental freedoms, including civil, political, economic, social and cultural rights, of the people of Myanmar, as described in resolution 61/233 and in previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council;

"(b) The arbitrary detentions, including the use of physical violence, in response to peaceful protests, the extension, once again, of the house arrest of the General Secretary of the National League for Democracy, Aung San Suu Kyi, as well as the continuing high number of political prisoners, including other political leaders, persons belonging to ethnic nationalities and human rights defenders;

"(c) The major and repeated violations of international humanitarian law committed against civilians, as denounced by the International Committee of the Red Cross in June 2007;

"(d) The discrimination and violations suffered by persons belonging to ethnic nationalities of Myanmar, particularly in border and conflict areas, and attacks by military forces and non-State armed groups on villages in Karen State and other ethnic States in Myanmar, leading to extensive forced displacements and serious violations and other abuses of the human rights of the affected populations;

"(e) The absence of effective and genuine participation of the representatives of the National League for Democracy and other political parties and some ethnic nationality groups in the National Convention and the slow pace of the democratic reform;

"(f) The fact that the Special Rapporteur on the situation of human rights in Myanmar was unable to visit the country for almost four years, despite repeated requests;

"(g) The continuous deterioration of the living conditions and the increase of poverty affecting a significant part of the population throughout the country, with serious consequences for the enjoyment of their economic, social and cultural rights;

"3. *Welcomes*:

"(a) The reports of the Special Rapporteur on the situation of human rights in Myanmar and his oral presentations, as well as the agreement by the Government of Myanmar to his visit in November 2007;

"(b) The report of the Secretary-General and his designation of a Special Adviser to continue to pursue his mandate of good offices, and affirms its full support for his mission;

"(c) The visit of the Special Adviser to Myanmar in October 2007 and the invitation to return extended to him by the Government of Myanmar;

"(d) The conclusion between the International Labour Organization and the Government of Myanmar of an understanding designed to provide a mechanism to enable victims of forced labour to seek redress;

"(e) The visits to Myanmar of the Special Representative of the Secretary-General for Children and Armed Conflict and the Assistant Secretary-General and Deputy Emergency Relief Coordinator at the invitation of the Government of Myanmar, and the implementation of some of the measures agreed during those visits;

"(f) The progress reported on the work conducted by the Government and international humanitarian entities on HIV/AIDS and avian influenza;

"(g) The leading regional role of the Association of Southeast Asian Nations and of neighbouring countries in encouraging the Government of Myanmar to hasten democratic reforms with respect for human rights and the continuing efforts of the Association and of neighbouring countries towards the adoption of a human rights-based charter and a genuine human rights mechanism;

"4. *Strongly calls upon* the Government of Myanmar:

"(a) To ensure full respect for all human rights and fundamental freedoms, to end restrictions on those freedoms that are incompatible with the Government's obligations under international human rights law, to protect its inhabitants and to investigate and bring to justice perpetrators of violations of human rights;

"(b) To give serious consideration to the recommendations and proposals put forward by the Special Adviser to the Secretary-General during his visit to Myanmar in October 2007 and to fully implement the previous recommendations of the Special Rapporteur, the Special Adviser of the Secretary-General, the General Assembly, the Human Rights Council, the Commission on Human Rights, the International Labour Organization and other United Nations bodies;

"(c) To exercise utmost restraint and to desist from further arrests and violence against peaceful protesters and to release without delay those who have been arbitrarily arrested and detained, as well as all political prisoners, immediately and unconditionally, including the leaders of the National League for Democracy, Aung San Suu Kyi and Tin Oo, the leader of the Shan Nationalities League for Democracy, Khun Htun Oo, and other Shan leaders, and the '88 Generation' students' group leaders Min Ko Naing and Ko Ko Gyi;

"(d) To lift all restraints on the peaceful political activity of all persons by, inter alia, guaranteeing freedom of peaceful assembly and association and freedom of opinion and expression, including for free and independent media, and to ensure unhindered access to media information for the people of Myanmar;

"(e) To cooperate fully with the Special Rapporteur, including by granting him full, free and unimpeded access in his upcoming visit to Myanmar, to monitor the implementation of Human Rights Council resolution S-5/1 and to ensure that no person cooperating with the Special Rapporteur or any international organization is subjected to any form of intimidation, harassment or punishment;

"(f) To ensure immediately safe and unhindered access to all parts of Myanmar, including conflict and border areas, for the United Nations, international humanitarian organizations and their partners and to cooperate fully with those organizations in order to ensure that humanitarian assistance is delivered to all persons in need throughout the country;

"(g) To put an immediate end to the continuing recruitment and use of child soldiers, in violation of international law, by all parties, to intensify measures to ensure the protection of children from armed conflict and to pursue its collaboration with the Special Representative of the Secretary-General on Children and Armed Conflict;

"(h) To take urgent measures to put an end to the military operations targeting civilians in the ethnic areas, and to the associated violations of human rights and humanitarian law against persons belonging to ethnic nationalities, to end the systematic forced displacement of large numbers of

persons and other causes of refugee flows to neighbouring countries and to respect existing ceasefire agreements;

"5. *Calls upon* the Government of Myanmar:

"(a) To permit all political representatives and representatives of ethnic nationalities to participate fully in the political transition process without restrictions and, to that end, to resume, without further delay, a dialogue with all political actors, including the National League for Democracy and representatives of ethnic nationalities;

"(b) To pursue, through dialogue and peaceful means, the immediate suspension and permanent end of conflict with all ethnic nationalities in Myanmar and to allow the full participation of representatives of all political parties and representatives of ethnic nationalities in an inclusive and credible process of national reconciliation, democratization and the establishment of the rule of law;

"(c) To fulfil its obligations to restore the independence of the judiciary and due process of law, and to take further steps to reform the system of administration of justice, as well as to ensure that discipline in prisons does not amount to torture or cruel, inhuman or degrading treatment or punishment and that conditions of detention otherwise meet international standards;

"(d) To cooperate fully with the Special Adviser to the Secretary-General in the fulfilment of his good offices, by agreeing to his visits to the country, allowing him unrestricted access to all relevant parties, including detained activists, ethnic minority representatives, student leaders and dissident monks, and by engaging with him in finding a peaceful solution aiming at achieving effective progress towards the restoration of democracy and the protection of human rights in Myanmar;

"(e) To engage in a dialogue with the Office of the United Nations High Commissioner for Human Rights with a view to ensuring full respect for all human rights and fundamental freedoms;

"(f) To continue its efforts with the International Labour Organization towards the effective implementation of the national mechanism established to receive complaints of forced labour;

"(g) To allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

"(h) To refrain from imposing restrictions on access to and flow of information from the people of Myanmar, including through the openly available and accessible use of Internet and mobile phone services;

"(i) To allow the International Committee of the Red Cross to carry out its humanitarian activities for people in need, in particular by granting immediate access to persons detained and by providing the necessary information on persons unaccounted for in relation with recent events;

"6. *Requests* the Secretary-General:

"(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and the people of Myanmar, including all relevant parties to the national reconciliation process in Myanmar, and to offer technical assistance to the Government in this regard;

"(b) To closely monitor the developments with regard to the violent incidents that took place with the aim of preventing the resumption of violence;

"(c) To give all necessary assistance to enable the Special Adviser and the Special Rapporteur to discharge their mandates fully and effectively and in a coordinated manner;

"(d) To report to the General Assembly at its sixty-third session on the progress made in the implementation of the present resolution;

"7. *Decides* to continue the consideration of the question at its sixty-third session, on the basis of the report of the Secretary-General and the interim report of the Special Rapporteur."

22. At its 50th meeting, on 20 November, the Committee had before it a revised draft resolution entitled "Situation of human rights in Myanmar" (A/C.3/62/L.41/Rev.1), submitted by the sponsors of draft resolution A/C.3/62/L.41 and Bosnia and Herzegovina and Moldova. Subsequently, Switzerland joined in sponsoring the draft resolution.

23. At the same meeting, the Committee had before it a statement of the programme budget implications of draft resolution A/C.3/62/L.41 (A/C.3/62/L.83), submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly, which remained valid for and applicable to draft resolution A/C.3/62/L.41/Rev.1.

24. Also at the same meeting, the representative of Myanmar moved, under rule 116 of the rules of procedure of the General Assembly, for the adjournment of the debate on the draft resolution.

25. Statements in favour of the motion were made by the representatives of China and Angola; statements against the motion were made by the representatives of Norway and New Zealand.

26. The motion was rejected by a recorded vote of 88 to 54, with 34 abstentions. The voting was as follows:[1]

In favour:

Angola, Antigua and Barbuda, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Botswana, Brunei Darussalam, Cambodia, China, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Dominica, Dominican Republic, Egypt, Gabon, Gambia, Guinea, India, Iran (Islamic Republic of), Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Namibia, Nicaragua,

[1] The delegation of Algeria subsequently indicated that had it been present during the voting, it would have voted in favour.

Oman, Pakistan, Qatar, Russian Federation, Saint Kitts and Nevis, Saudi Arabia, Somalia, South Africa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Tunisia, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Israel, Italy, Japan, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Nigeria, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu.

Abstaining:

Belize, Bolivia, Burkina Faso, Cape Verde, Chad, Colombia, Comoros, Djibouti, Eritrea, Ghana, Guyana, Haiti, Jamaica, Jordan, Kenya, Lesotho, Malawi, Mali, Mauritania, Mozambique, Nepal, Niger, Philippines, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Singapore, Solomon Islands, Suriname, Togo, Trinidad and Tobago, Turkmenistan, Tuvalu.

27. At the same meeting, the representative of Portugal orally corrected the revised draft resolution.

28. At the same meeting, statements were made by the representatives of Myanmar and the Democratic People's Republic of Korea (see A/C.3/62/SR.50).

29. Also at its 50th meeting, the Committee adopted draft resolution A/C.3/62/L.41/Rev.1, as orally corrected, by a recorded vote of 88 to 24, with 66 abstentions (see para. 49, draft resolution II). The voting was as follows:

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Nigeria, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Suriname, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu.

Against:

Algeria, Bangladesh, Belarus, China, Cuba, Democratic People's Republic of Korea, Egypt, India, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Oman, Pakistan, Russian Federation, Somalia, Sudan, Syrian Arab Republic, Uganda, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Bahrain, Barbados, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Chad, Colombia, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Guinea, Haiti, Indonesia, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lesotho, Malawi, Mali, Mozambique, Namibia, Nepal, Nicaragua, Niger, Papua New Guinea, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Swaziland, Tajikistan, Thailand, Togo, Trinidad and Tobago, Turkmenistan, United Arab Emirates, Yemen, Zambia.

30. Before the adoption of the draft resolution, statements were made by the representatives of Uzbekistan, Thailand, the Bolivarian Republic of Venezuela, Barbados, Belarus, Egypt, Malaysia and the Sudan; after the adoption of the draft resolution, statements were made by the representatives of India, Indonesia, Singapore, Algeria, Cuba, Bangladesh, the Philippines, Japan, Viet Nam, Brazil, Myanmar and Switzerland (see A/C.3/62/SR.50).

C. Draft resolution A/C.3/62/L.43

31. At the 42nd meeting, on 9 November, the representative of Canada, on behalf of Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Moldova, Monaco, the Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in the Islamic Republic of Iran" (A/C.3/62/L.43). Subsequently, Fiji joined in sponsoring the draft resolution.

32. At the same meeting, the Secretary orally corrected the draft resolution.

33. At the same meeting, the representative of Canada orally revised operative paragraph 3 (e) by replacing the word "violence" with the words "other human rights violations".

34. At its 50th meeting, on 20 November, the Committee was advised that the draft resolution had no programme budget implications.

35. At the same meeting, the representative of the Islamic Republic of Iran moved, under rule 116 of the rules of procedure of the General Assembly, for the adjournment of the debate on the draft resolution.

36. Statements in favour of the motion were made by the representatives of Pakistan and the Bolivarian Republic of Venezuela; statements against the motion were made by the representatives of Liechtenstein and Canada.

37. The motion was rejected by a recorded vote of 79 to 78, with 24 abstentions. The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bolivia, Botswana, Brunei Darussalam, Cambodia, Chad, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Gabon, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Myanmar, Namibia, Nicaragua, Niger, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Belgium, Bosnia and Herzegovina, Bulgaria, Burundi, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Belize, Bhutan, Brazil, Burkina Faso, Cape Verde, Colombia, Dominica, Ethiopia, Ghana, Guyana, Haiti, Jamaica, Kenya, Lesotho, Malawi, Mauritius, Mozambique, Nepal, Nigeria, Saint Kitts and Nevis, Saint Lucia, Solomon Islands, Trinidad and Tobago, Tuvalu.

38. At the same meeting, statements were made by the representatives of Canada and the Islamic Republic of Iran (see A/C.3/62/SR.50).

39. Also at its 50th meeting, the Committee adopted draft resolution A/C.3/62/L.43, as orally revised and corrected, by a recorded vote of 72 to 50, with 55 abstentions (see para. 49, draft resolution III). The voting was as follows:

In favour:

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Belgium, Belize, Bosnia and Herzegovina, Bulgaria, Burundi, Canada, Chile, Costa Rica,

Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Romania, Saint Kitts and Nevis, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Against:

Afghanistan, Algeria, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, China, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Morocco, Myanmar, Nicaragua, Niger, Oman, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Somalia, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Turkmenistan, Uganda, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Chad, Colombia, Congo, Côte d'Ivoire, Dominican Republic, Ecuador, Equatorial Guinea, Eritrea, Ethiopia, Georgia, Ghana, Guatemala, Guyana, Haiti, Jamaica, Kenya, Lao People's Democratic Republic, Lesotho, Malawi, Mali, Mauritius, Mongolia, Mozambique, Namibia, Nepal, Nigeria, Papua New Guinea, Philippines, Republic of Korea, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, Singapore, Solomon Islands, Suriname, Swaziland, Thailand, Trinidad and Tobago, United Arab Emirates, United Republic of Tanzania, Uruguay, Zambia.

40. Before the vote, statements were made by the representatives of the Syrian Arab Republic, Belarus, Pakistan (on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference), the Sudan, Egypt, the Bolivarian Republic of Venezuela and the Libyan Arab Jamahiriya; after the vote, statements were made by the representatives of Algeria, Cuba, Japan, Brazil and Portugal (on behalf of the States Members of the United Nations that are members of the European Union) (see A/C.3/62/SR.50).

D. Draft resolution A/C.3/62/L.51

41. At the 42nd meeting, on 9 November, the representative of the United States of America, on behalf of Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a

draft resolution entitled "Situation of human rights in Belarus" (A/C.3/62/L.51). Subsequently, Albania, Croatia, Liechtenstein, Monaco and Norway joined in sponsoring the draft resolution.

42. At its 51st meeting, on 21 November, the Committee was advised that the draft resolution had no programme budget implications.

43. At the same meeting, statements were made by the representatives of the United States of America, Uzbekistan, the Bolivarian Republic of Venezuela, the Russian Federation, the Syrian Arab Republic, Zimbabwe, Turkmenistan, Nicaragua, the Islamic Republic of Iran, the Sudan, the Democratic People's Republic of Korea, Australia and Belarus (see A/C.3/62/SR.51).

44. The representative of the Russian Federation moved, under rule 116 of the rules of procedure of the General Assembly, for the adjournment of the debate on the draft resolution.

45. Statements in favour of the motion were made by the representatives of China and Cuba; statements against the motion were made by the representatives of San Marino and Portugal (on behalf of the States Members of the United Nations that are members of the European Union).

46. The motion was rejected by a recorded vote of 79 to 65, with 31 abstentions. The voting was as follows:

In favour:

Algeria, Angola, Antigua and Barbuda, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Cambodia, China, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Dominican Republic, Egypt, Eritrea, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritius, Myanmar, Namibia, Nicaragua, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Bahamas, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Bulgaria, Burundi, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu.

Abstaining:

Brazil, Cape Verde, Colombia, Comoros, Côte d'Ivoire, Djibouti, Dominica, Equatorial Guinea, Ethiopia, Fiji, Ghana, Guyana, Haiti, Jamaica, Jordan, Kenya, Lesotho, Malawi, Mali, Moldova, Morocco, Mozambique, Nauru, Nepal, Niger, Nigeria, Saint Lucia, Saint Vincent and the Grenadines, Solomon Islands, Togo, Trinidad and Tobago.

47. Also at its 51st meeting, the Committee adopted draft resolution A/C.3/62/L.51 by a recorded vote of 68 to 32, with 76 abstentions (see para. 49, draft resolution IV). The voting was as follows:

In favour:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Bahamas, Belgium, Bhutan, Bosnia and Herzegovina, Bulgaria, Burundi, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Against:

Algeria, Armenia, Bangladesh, Belarus, China, Cuba, Democratic People's Republic of Korea, Egypt, Gambia, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Myanmar, Nicaragua, Oman, Pakistan, Qatar, Russian Federation, Sudan, Syrian Arab Republic, Tajikistan, Turkmenistan, Uganda, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe

Abstaining:

Angola, Antigua and Barbuda, Bahrain, Barbados, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Colombia, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Georgia, Ghana, Guatemala, Guinea, Guyana, Haiti, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Malawi, Mali, Mauritania, Mauritius, Mexico, Moldova, Mongolia, Morocco, Mozambique, Namibia, Nauru, Nepal, Niger, Nigeria, Panama, Papua New Guinea, Philippines, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia.

48. Before the vote, statements were made by the representatives of Belarus, Portugal (on behalf of the States Members of the United Nations that are members of the European Union), Myanmar, Kyrgyzstan and Egypt; after the vote, statements were made by the representatives of Ukraine, Jamaica, Algeria, Paraguay, Brazil and Belarus (see A/C.3/62/SR.51).

III. Recommendations of the Third Committee

49. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Situation of human rights in the Democratic People's Republic of Korea

The General Assembly,

Reaffirming that States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[1] the Convention on the Rights of the Child[2] and the Convention on the Elimination of All Forms of Discrimination against Women,[3]

Noting the submission by the Democratic People's Republic of Korea of its second periodic report concerning the implementation of the International Covenant on Economic, Social and Cultural Rights,[4] its second periodic report on the implementation of the Convention on the Rights of the Child[5] and its initial report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women,[6] as a sign of engagement in international cooperative efforts in the field of human rights,

Taking note of the concluding observations of the treaty monitoring bodies under the four treaties, the most recent of which were given by the Committee on the Elimination of Discrimination against Women in July 2005,[7]

Noting with appreciation the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund and World Health Organization in order to improve the health situation in the country, and the collaboration established with the United Nations Children's Fund in order to improve the quality of education for children,

Recalling its resolutions 60/173 of 16 December 2005 and 61/174 of 19 December 2006, Commission on Human Rights resolutions 2003/10 of

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[1] See resolution 2200 A (XXI), annex.
[2] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[3] Ibid., vol. 1249, No. 20378.
[4] E/1990/6/Add.35.
[5] CRC/C/65/Add.24.
[6] CEDAW/C/PRK/1.
[7] See *Official Records of the General Assembly, Sixtieth Session, Supplement No. 38* (A/60/38), part two, paras. 26-76.

16 April 2003,[8] 2004/13 of 15 April 2004[9] and 2005/11 of 14 April 2005,[10] and Human Rights Council decision 1/102 of 30 June 2006,[11] and mindful of the need for the international community to strengthen its coordinated efforts aimed at achieving the implementation of those resolutions,

Taking note of the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea[12] and of the comprehensive report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea submitted in accordance with its resolution 61/174,[13]

Welcoming the inter-Korean summit held from 2 to 4 October 2007 and the Declaration on the Advancement of North-South Korean Relations, Peace and Prosperity adopted on 4 October 2007 by the two leaders of the Democratic People's Republic of Korea and the Republic of Korea, as well as the recent progress achieved in the Six-Party Talks, and encouraging the improvement of the human rights situation in the Democratic People's Republic of Korea, including through effective follow-up,

1. *Expresses its very serious concern* at:

(a) The continued refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to him;

(b) The persistence of continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea, including:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention, public executions, extrajudicial and arbitrary detention; the absence of due process and the rule of law, including fair trial guarantees and an independent judiciary; the imposition of the death penalty for political and religious reasons; and the existence of a large number of prison camps and the extensive use of forced labour;

(ii) The situation of refugees and asylum-seekers expelled or returned to the Democratic People's Republic of Korea and sanctions imposed on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad leading to punishments of internment, torture, cruel, inhuman or degrading treatment or the death penalty, and in this regard urges all States to ensure respect for the fundamental principle of non-refoulement and to treat those who seek refuge humanely;

(iii) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and

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[8] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[9] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[10] Ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[11] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), chap. II, sect. B.

[12] See A/62/264.

[13] A/62/318.

association, and on equal access to information, by such means as the persecution of individuals exercising their freedom of opinion and expression, and their families;

(iv) Limitations imposed on every person who wishes to move freely within the country and travel abroad, including the punishment of those who leave, or try to leave, the country without permission, or their families;

(v) The violations of economic, social and cultural rights, which have led to severe malnutrition, widespread health problems and other hardship for the population in the Democratic People's Republic of Korea, inter alia, women, children and the elderly;

(vi) Continuing violation of the human rights and fundamental freedoms of women, in particular the trafficking of women for the purpose of prostitution or forced marriage and the subjection of women to human smuggling, forced abortions, gender-based discrimination and violence;

(vii) Continuing reports of violations of the human rights and fundamental freedoms of persons with disabilities, especially on the use of collective camps and of coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children;

(viii) Violations of workers' rights, including the right to freedom of association and collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights,[1] and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child;[5]

2. *Reiterates its very serious concern* at unresolved questions of international concern relating to the abduction of foreigners in the form of enforced disappearance, which violates the human rights of the nationals of other sovereign countries, and in this regard strongly calls upon the Government of the Democratic People's Republic of Korea urgently to resolve these questions, including through existing channels, in a transparent manner, including by ensuring the immediate return of abductees;

3. *Notes* the prompt reaction of the Government of the Democratic People's Republic of Korea to the latest floods and the openness shown in seeking outside assistance, and expresses its very deep concern at the precarious humanitarian situation in the country, compounded by the misallocation of resources away from the satisfaction of basic needs and by frequent natural disasters, in particular the prevalence of maternal malnutrition and of infant malnutrition, which, despite recent progress, continues to affect the physical and mental development of a significant proportion of children, and urges the Government of the Democratic People's Republic of Korea, in this regard, to take preventive and remedial action, to facilitate access to humanitarian aid and measures to allow humanitarian agencies to secure its impartial delivery to all parts of the country on the basis of need in accordance with humanitarian principles, and to ensure food security, including through sustainable agriculture;

4. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard:

(a) To immediately put an end to the systematic, widespread and grave violations of human rights mentioned above, inter alia by implementing fully the measures set out in the above-mentioned resolutions of the General Assembly and the Commission on Human Rights, and the recommendations addressed to the Democratic People's Republic of Korea by the United Nations special procedures and treaty bodies;

(b) To tackle the root causes leading to refugee outflows and criminalize those who exploit refugees by human smuggling, trafficking and extortion, while not criminalizing the victims;

(c) To extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of Korea, and to other United Nations human rights mechanisms;

(d) To engage in technical cooperation activities in the field of human rights with the United Nations High Commissioner for Human Rights and her Office, as pursued by the High Commissioner in recent years, with a view to improving the human rights situation in the country;

(e) To extend to United Nations agencies and other humanitarian actors all access necessary to allow them to carry out their mandates;

5. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its sixty-third session, and to this end requests the Secretary-General to submit a comprehensive report on the situation in the Democratic People's Republic of Korea and the Special Rapporteur to continue to report his findings and recommendations.

Draft resolution II
Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,[1] and recalling the International Covenants on Human Rights[2] and other relevant human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Reaffirming also its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 61/232 of 22 December 2006, those of the Commission on Human Rights and resolution S-5/1 of 2 October 2007,[3] adopted by the Human Rights Council at its fifth special session,

Welcoming the presidential statement issued by the Security Council on 11 October 2007,[4]

Recalling that everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives, the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association,

Deeply concerned at the situation of human rights in Myanmar, and in particular at the recent violent repression of peaceful demonstrations, including through beatings, killings, arbitrary detentions and enforced disappearances,

1. *Strongly condemns* the use of violence against peaceful demonstrators who were exercising their rights to freedom of opinion and expression and to peaceful assembly and association, and expresses condolences to the victims and their families;

2. *Expresses grave concern* at:

(a) The ongoing systematic violations of human rights and fundamental freedoms, including civil, political, economic, social and cultural rights, of the people of Myanmar, as described in resolution 61/232 and in previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council;

(b) The arbitrary detentions, including the use of physical violence, in response to peaceful protests, and the extension, once again, of the house arrest of the General Secretary of the National League for Democracy, Daw Aung San Suu Kyi, as well as the continuing high number of political prisoners, including other political leaders, persons belonging to ethnic nationalities and human rights defenders;

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] See A/HRC/S-5/L.2, chap. I; the report of the Human Rights Council on its fifth special session will be issued in final form as part of *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53).

[4] S/PRST/2007/37.

(c) The major and repeated violations of international humanitarian law committed against civilians, as denounced by the International Committee of the Red Cross in June 2007;

(d) The discrimination and violations suffered by persons belonging to ethnic nationalities of Myanmar, particularly in border and conflict areas, and attacks by military forces and non-State armed groups on villages in Karen State and other ethnic States in Myanmar, leading to extensive forced displacements and serious violations and other abuses of the human rights of the affected populations;

(e) The absence of effective and genuine participation of the representatives of the National League for Democracy and other political parties and some ethnic nationality groups in the National Convention and the slow pace of the democratic reform;

(f) The continuous deterioration of the living conditions and the increase of poverty affecting a significant part of the population throughout the country, with serious consequences for the enjoyment of their economic, social and cultural rights;

3. *Welcomes*:

(a) The reports of the Special Rapporteur on the situation of human rights in Myanmar[5] and his oral presentations, as well as the agreement by the Government of Myanmar to his visit in November 2007 after four years of his having been denied access;

(b) The report of the Secretary-General[6] and his designation of a Special Adviser to continue to pursue his mandate of good offices, and affirms its full support for his mission;

(c) The visits of the Special Adviser to Myanmar in October and November 2007;

(d) The conclusion between the International Labour Organization and the Government of Myanmar of an understanding designed to provide a mechanism to enable victims of forced labour to seek redress;

(e) The visits to Myanmar of the Special Representative of the Secretary-General for Children and Armed Conflict and the Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator at the invitation of the Government of Myanmar, and the implementation of some of the measures agreed during those visits;

(f) The progress reported on the work conducted by the Government and international humanitarian entities on HIV/AIDS and avian influenza;

(g) The role of the Association of Southeast Asian Nations and of neighbouring countries in encouraging the Government of Myanmar to resume its efforts at national reconciliation with all parties concerned, and to work towards a peaceful transition to democracy, and the continuing efforts of the Association and of neighbouring countries for the promotion and protection of the human rights of the people of Myanmar;

[5] A/HRC/4/14 and see A/62/223.

[6] A/62/498.

(h) The appointment by the Government of Myanmar of a minister for relations with Daw Aung San Suu Kyi and the two meetings held so far between the two, while stressing the need for this process to lead to a substantive dialogue with concrete outcomes within an agreed time frame between the Government of Myanmar and Daw Aung San Suu Kyi;

4. *Strongly calls upon* the Government of Myanmar:

(a) To ensure full respect for all human rights and fundamental freedoms, to end restrictions on those freedoms that are incompatible with the Government's obligations under international human rights law, to protect its inhabitants and to investigate and bring to justice perpetrators of violations of human rights;

(b) To give serious consideration to the recommendations and proposals put forward by the Special Adviser of the Secretary-General during his visit to Myanmar in October 2007 and to fully implement the previous recommendations of the Special Rapporteur, the Special Adviser of the Secretary-General, the General Assembly, the Human Rights Council, the Commission on Human Rights, the International Labour Organization and other United Nations bodies;

(c) To exercise utmost restraint and to desist from further arrests and violence against peaceful protesters and to release without delay those who have been arbitrarily arrested and detained, as well as all political prisoners, immediately and unconditionally, including the leaders of the National League for Democracy, Aung San Suu Kyi and Tin Oo, the leader of the Shan Nationalities League for Democracy, Khun Htun Oo, and other Shan leaders, and the "88 Generation" students' group leaders Min Ko Naing and Ko Ko Gyi;

(d) To lift all restraints on the peaceful political activity of all persons by, inter alia, guaranteeing freedom of peaceful assembly and association and freedom of opinion and expression, including for free and independent media, and to ensure unhindered access to media information for the people of Myanmar;

(e) To cooperate fully with the Special Rapporteur in the context of the implementation of Human Rights Council resolution S-5/1[3] and to ensure that no person cooperating with the Special Rapporteur or any international organization is subjected to any form of intimidation, harassment or punishment;

(f) To ensure immediately safe and unhindered access to all parts of Myanmar, including conflict and border areas, for the United Nations, international humanitarian organizations and their partners and to cooperate fully with those organizations in order to ensure that humanitarian assistance is delivered to all persons in need throughout the country;

(g) To put an immediate end to the continuing recruitment and use of child soldiers, in violation of international law, by all parties, to intensify measures to ensure the protection of children from armed conflict and to pursue its collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict;

(h) To take urgent measures to put an end to the military operations targeting civilians in the ethnic areas, and to the associated violations of human rights and humanitarian law directed against persons belonging to ethnic nationalities, to end the systematic forced displacement of large numbers of persons and other causes of

refugee flows to neighbouring countries and to respect existing ceasefire agreements;

5. *Calls upon* the Government of Myanmar:

(a) To permit all political representatives and representatives of ethnic nationalities to participate fully in the political transition process without restrictions and, to that end, to resume, without further delay, a dialogue with all political actors, including the National League for Democracy and representatives of ethnic nationalities;

(b) To pursue, through dialogue and peaceful means, the immediate suspension and permanent end of conflict with all ethnic nationalities in Myanmar and to allow the full participation of representatives of all political parties and representatives of ethnic nationalities in an inclusive and credible process of national reconciliation, democratization and the establishment of the rule of law;

(c) To fulfil its obligations to restore the independence of the judiciary and due process of law, and to take further steps to reform the system of administration of justice, as well as to ensure that discipline in prisons does not amount to torture or cruel, inhuman or degrading treatment or punishment and that conditions of detention otherwise meet international standards;

(d) To cooperate fully with the Special Adviser of the Secretary-General in the fulfilment of his good offices, by agreeing to his visits to the country, allowing him unrestricted access to all relevant parties, including detained activists, ethnic minority representatives, student leaders and dissident monks, and by engaging with him in finding a peaceful solution aiming at achieving effective progress towards the restoration of democracy and the protection of human rights in Myanmar;

(e) To engage in a dialogue with the Office of the United Nations High Commissioner for Human Rights with a view to ensuring full respect for all human rights and fundamental freedoms;

(f) To continue its efforts with the International Labour Organization towards the effective implementation of the national mechanism established to receive complaints of forced labour;

(g) To allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

(h) To refrain from imposing restrictions on access to and flow of information from the people of Myanmar, including through the openly available and accessible use of Internet and mobile phone services;

(i) To allow the International Committee of the Red Cross to carry out its humanitarian activities for people in need, in particular by granting immediate access to persons detained and by providing the necessary information on persons unaccounted for in connection with recent events;

6. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and the people of Myanmar, including all relevant parties to the national

reconciliation process in Myanmar, and to offer technical assistance to the Government in this regard;

(b) To closely monitor the developments with regard to the violent incidents that took place, with the aim of preventing the resumption of violence;

(c) To give all necessary assistance to enable the Special Adviser and the Special Rapporteur to discharge their mandates fully and effectively and in a coordinated manner;

(d) To report to the General Assembly at its sixty-third session as well as to the Human Rights Council on the progress made in the implementation of the present resolution;

7. *Decides* to continue the consideration of the question at its sixty-third session, on the basis of the report of the Secretary-General and the interim report of the Special Rapporteur.

Draft resolution III
Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Mindful that the Islamic Republic of Iran is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and the Convention on the Rights of the Child,[4]

Recalling its previous resolutions on the situation of human rights in the Islamic Republic of Iran, the most recent of which is resolution 61/176 of 19 December 2006,

Regretting that no special procedure has been permitted to visit the Islamic Republic of Iran since July 2005, despite the standing invitation extended by the Government of the Islamic Republic of Iran to all human rights thematic monitoring mechanisms in April 2002,

1. *Expresses its deep concern* at the ongoing systematic violations of human rights and fundamental freedoms of the people of the Islamic Republic of Iran, as described in the above-referenced resolutions, and at the failure of the Islamic Republic of Iran to implement the steps called for in these resolutions;

2. *Expresses its very serious concern* that, since the adoption of resolution 61/176, there have been, inter alia, confirmed instances of:

(a) Torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations;

(b) Public executions, including multiple public executions, and other executions carried out in the absence of respect for internationally recognized safeguards;

(c) Stoning as a method of execution, and the continued issuing of sentences of execution by stoning;

(d) Execution of persons who were under the age of 18 at the time their offence was committed, contrary to the obligations of the Islamic Republic of Iran under article 37 of the Convention on the Rights of the Child[4] and article 6 of the International Covenant on Civil and Political Rights;[2]

(e) Arrests, violent repression, and sentencing of women exercising their right to peaceful assembly, a campaign of intimidation against women's human rights defenders, and continuing discrimination against women and girls in law and in practice;

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 660, No. 9464.
[4] Ibid., vol. 1577, No. 27531.

(f) Increasing discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, recognized or otherwise, including, inter alia, Arabs, Azeris, Baluchis, Kurds, Christians, Jews, Sufis and Sunni Muslims and their defenders, and, in particular, attacks on Baha'is and their faith in State-sponsored media, increasing evidence of efforts by the State to identify and monitor Baha'is preventing members of the Baha'i faith from attending university and from sustaining themselves economically; and an increase in cases of arbitrary arrest and detention;

(g) Ongoing, systemic and serious restrictions of freedom of peaceful assembly and association, and freedom of opinion and expression, including those imposed on the media and trade unions, and increasing harassment, intimidation and persecution of political opponents and human rights defenders, from all sectors of Iranian society, including arrests and violent repression of labour leaders, labour members peacefully assembling and students;

(h) Persistent failure to uphold due process of law rights, and violation of the rights of detainees, including the systematic and arbitrary use of prolonged solitary confinement;

3. *Calls upon* the Government of the Islamic Republic of Iran to respect fully its human rights obligations and, in this regard, to implement fully the above-mentioned resolutions, and in particular:

(a) To eliminate, in law and in practice, amputations and flogging and other forms of torture and other cruel, inhuman or degrading treatment or punishment;

(b) To abolish, in law and in practice, public executions and other executions carried out in the absence of respect for internationally recognized safeguards;

(c) To abolish, in law and in practice, the use of stoning as a method of execution;

(d) To abolish, as called for by the Committee on the Rights of the Child in its report of January 2005,[5] executions of persons who at the time of their offence were under the age of 18;

(e) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and girls;

(f) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, recognized or otherwise, to refrain from monitoring individuals on the basis of their religious beliefs, and to ensure that access of minorities to education and employment is on par with that of all Iranians;

(g) To implement, inter alia, the 1996 report of the Special Rapporteur on religious intolerance,[6] which recommended ways in which the Islamic Republic of Iran could emancipate the Baha'i community;

(h) To end the harassment, intimidation and persecution of political opponents and human rights defenders, including by releasing persons imprisoned arbitrarily or on the basis of their political views;

[5] See CRC/C/146.

[6] See E/CN.4/1996/95/Add.2.

(i) To uphold due process of law rights, and to end impunity for human rights violations;

4. *Encourages* the thematic special procedures of the Human Rights Council to visit the Islamic Republic of Iran and otherwise continue their work to improve the situation of human rights in the country, and urges the Government of the Islamic Republic of Iran to live up to the commitment it made when it issued a standing invitation to special procedures by cooperating with them, and to illustrate how their subsequent recommendations are being addressed;

5. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixty-third session under the item entitled "Promotion and protection of human rights", and, to this end, requests the Secretary-General to submit to it at that session a comprehensive report on the situation of human rights in the Islamic Republic of Iran.

Draft resolution IV
Situation of human rights in Belarus

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their international obligations,

Mindful that Belarus is a party to the International Covenant on Civil and Political Rights[2] and the first Optional Protocol thereto,[3] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination,[4] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[5] the Convention on the Elimination of All Forms of Discrimination against Women[6] and the Optional Protocol thereto,[7] and the Convention on the Rights of the Child[8] and the Optional Protocols thereto,[9]

Recalling Commission on Human Rights resolutions 2003/14 of 17 April 2003,[10] 2004/14 of 15 April 2004[11] and 2005/13 of 14 April 2005,[12] Human Rights Council decision 1/102 of 30 June 2006,[13] and its resolution 61/175 of 19 December 2006,

Concerned that the presidential election of 19 March 2006 was severely flawed due to arbitrary use of state power and fell significantly short of Belarus' commitments at the Organization for Security and Cooperation in Europe to hold a free and fair election, that the Government did not take measures to ensure that the local elections of 14 January 2007 met international standards and that the situation of human rights in Belarus in 2007 continued to significantly deteriorate, as documented in the reports of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe and the report of the Special Rapporteur on the situation of human rights in Belarus,[14] dated 12 June 2007, which found that systematic violations of human rights continue to take place in Belarus,

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.
[4] United Nations, *Treaty Series*, vol. 660, No. 9464.
[5] Ibid., vol. 1465, No. 24841.
[6] Ibid., vol. 1249, No. 20378.
[7] Ibid., vol. 2131, No. 20378.
[8] Ibid., vol. 1577, No. 27531.
[9] Ibid., vol. 2171, No. 27531.
[10] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.
[11] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.
[12] Ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.
[13] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), part one, chap. II, sect. B.
[14] A/HRC/4/16.

Disappointed that the Belarusian authorities again failed to create conditions for the Belarusian people to freely express their will during local elections on 14 January 2007 by denying the basic rights of freedom of assembly and association, as well as with the lack of progress made by the Government of Belarus in addressing noted shortfalls,

1. *Expresses deep concern*:

(a) About the continued use of the criminal justice system to silence political opposition and human rights defenders, including through arbitrary detention, lack of due process and closed political trials of leading opposition figures and human rights defenders;

(b) About the failure of the Government of Belarus to cooperate fully with all the mechanisms of the Human Rights Council, in particular with the Special Rapporteurs on the situation of human rights in Belarus, while noting the serious concern relating to the continued and systematic violations of human rights in Belarus and the further erosion of the democratic process expressed by seven independent human rights experts of the United Nations in a statement issued on 29 March 2006;

(c) That in spite of detailed recommendations by the Organization for Security and Cooperation in Europe and dialogue between the Government and the Organization for Security and Cooperation in Europe following previous elections, and despite calls from the General Assembly to adopt the recommendations of the Organization for Security and Cooperation in Europe following the flawed presidential elections in 2006, Belarus again failed to meet its commitments to hold free and fair elections during municipal elections in January 2007, including by using intimidation and the arbitrary application of registration standards to exclude opposition candidates, severely restricting the access of registered candidates to voters and the mass media, through routine harassment, the detention and arrest of political and civil society activists, the negative portrayal in the State media of opposition candidates and activists, including human rights defenders, and preventing access by independent local observers to polling stations;

(d) About the continued use of the arbitrary application of registration standards to prevent non-governmental organizations from operating, including the use of the arbitrary denial of leases and evictions to prevent organizations from acquiring valid addressees;

(e) About the continued harassment and detention of Belarusian journalists and the suspension and banning of independent media covering local opposition demonstrations, and that senior officials of the Government of Belarus were implicated in the enforced disappearance and/or summary execution of three political opponents of the incumbent authorities in 1999 and of a journalist in 2000 and in the continuing investigatory cover-up, as documented in the report adopted in resolution 1371 of 28 April 2004 by the Parliamentary Assembly of the Council of Europe,[15] and that the Government of Belarus has ignored calls of that body to account for their disappearance;

[15] See Council of Europe, Parliamentary Assembly, document 10062.

(f) About the failure of the Belarusian authorities to heed calls to reinstate the teaching licence of the European Humanities University in Minsk and about the increasing harassment of its students while the university operates in exile;

(g) About continued persistent reports of harassment and closure of non-governmental organizations, national minority organizations, independent media outlets, religious groups, opposition political parties, independent trade unions, and independent youth and student organizations, and the harassment and prosecution of individuals, including students and their relatives, engaged in the promotion and protection of human rights, the rule of law and democracy, especially those students returning to Belarus;

2. *Urges* the Government of Belarus:

(a) To release immediately and unconditionally all individuals detained for politically motivated reasons and other individuals detained for exercising or promoting human rights;

(b) To cease politically motivated prosecution, harassment and intimidation of political opponents, pro-democracy activists and human rights defenders, independent media, national minority activists, religious organizations, educational institutions and civil society actors, and to cease the harassment of students and create the conditions whereby they can continue their studies in Belarus;

(c) To bring the electoral process and legislative framework into line with international standards, especially those of the Organization for Security and Cooperation in Europe, to demonstrate such commitment through the parliamentary elections due in 2008 and to rectify the shortcomings of the electoral process, identified by the Office for Democratic Institutions and Human Rights in its report of 7 June 2006, including election laws and practices that restrict campaigning opportunities for de facto opposition candidates, the arbitrary application of electoral laws, including with regard to the registration of candidates, obstruction of the right of access to the media, biased presentation of the issues by the State media and the falsification of vote counts;

(d) To respect the rights to freedom of speech, assembly and association;

(e) To suspend from their duties officials implicated in any case of enforced disappearance, summary execution and torture and other cruel, inhuman or degrading treatment or punishment, pending investigation of those cases, and to ensure that all necessary measures are taken to investigate fully and impartially such cases and to bring the alleged perpetrators to justice before an independent tribunal, and, if found guilty, to ensure that they are punished in accordance with the international human rights obligations of Belarus;

(f) To uphold the right to freedom of religion or belief, including the ability to maintain communications with individuals and communities in matters of religion and belief at the national and international levels;

(g) To investigate and hold accountable those responsible for the mistreatment, arbitrary arrest and incarceration of human rights defenders and members of the political opposition;

(h) To carry out the recommendations of the International Labour Organization Commission with regard to respecting core labour rights of freedom of association for workers;

(i) To carry out all other steps called for by the Commission on Human Rights in its resolution 2005/13,[12] as well as General Assembly resolution 61/175;

3. *Insists* that the Government of Belarus cooperate fully with the Human Rights Council and its mechanisms, as well as with all mechanisms of the Organization for Security and Cooperation in Europe.